

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6647

BILL NUMBER: SB 598

NOTE PREPARED: Dec 20, 2010

BILL AMENDED:

SUBJECT: Child Custody.

FIRST AUTHOR: Sen. Mishler

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL
DEDICATED
FEDERAL**

IMPACT: No Fiscal Impact

Summary of Legislation: This bill establishes a rebuttable presumption that an award of joint legal custody and joint physical custody is in the best interests of a child in a dissolution of marriage. The bill provides exceptions for the rebuttable presumption.

The bill requires a court, if a party seeks to rebut the presumption, to consider: (1) the fitness and suitability of each of the persons seeking joint custody; (2) the ability of the parents to communicate and advance the child's welfare; and (3) whether the child has established a close and beneficial relationship with both of the persons seeking joint custody. The bill also provides that each party is responsible for attorney's fees and costs associated with certain custody or parenting time proceedings.

This bill requires each party to a mediation to share mediation costs equally. It repeals provisions concerning joint legal custody. It also repeals a provision allowing courts to order a party to pay costs of another party in maintaining or defending certain proceedings involving custody and parenting time.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

Fiscal Analyst: Bill Brumbach, 232-9559.